## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHERLENE K. GUDALEFSKY,

.

Plaintiff,

No. 4:05-CV-867

v.

(Judge Jones)

PENNSYLVANIA DEPARTMENT OF

TRANSPORTATION,

:

Defendant.

**ORDER** 

January 29, 2007

Consistent with the Memorandum issued by this Court on today's date, it is hereby ordered that:

- Defendant's Motion to Dismiss, construed to be a Motion for Summary Judgment, is hereby GRANTED.
- 2. Plaintiff's "Motion" and "Petition," to the extent to which they were filed as Motions, are hereby construed instead as part of Plaintiff's Brief in Opposition to the instant Motion for Summary Judgment.
- 3. The Clerk is directed to **CLOSE** this case.

John K. Jones II

United States District Judge